

MINUTES
BOARD OF ADJUSTMENT
NOVEMBER 5, 2015

ROLL CALL:

Liza Streett	Louis Clayton, Planner
Ray Tait	Kevin O'Keefe, City Attorney
Mel Disney	
Rick Bliss	
Chairman Gary Soule	

The minutes of the March 5th, May 7th, July 2nd, September 3rd, and October 1st, 2015 meetings were presented for approval. The March 5th minutes were approved as presented, after having been previously distributed to each member. Several changes/corrections to the remaining meeting minutes were requested by various members. The Planning Technician/recording secretary noted that all changes would be made. These remaining minutes were then approved, as amended.

Chairman Soule called the meeting to order at 5:05 p.m.; acknowledging the late start. He welcomed everyone to the meeting and noted that there are two matters up for consideration this evening and that there was a full complement of the Board (5 members) in attendance. All Board members and city staff introduced themselves.

APPEAL FROM SCOTT VOLDING, ARCHITECT ON BEHALF OF LAURENCE CONDIE, OWNER, 7609 CARSWOLD DRIVE

Chairman Soule verified that the applicant was in attendance.

Those wishing to speak were sworn in by Kathy Scott, Planning Technician/Recording Secretary.

Chairman Soule asked if the City had any exhibits to present.

City Attorney O'Keefe presented the following exhibits:

- 1) City of Clayton Code of Ordinances
- 2) Chapter 405, Zoning Ordinance, of the Land Use Code
- 3) Section 405.1900 Setback requirements
- 4) Appeal application
- 5) Staff Report

Chairman Soule asked the applicant if he had any objections to these exhibits being made part of the record.

Mr. Volding replied "no".

Chairman Soule announced that these exhibits would be entered into the record.

Mr. Volding wished the members a good evening and informed them that he's representing the Condie's who are requesting an 18-foot variance from the rear yard setback to allow the replacement of the wood frame deck which was in disrepair and had to be removed. He noted the new 11 X 25 deck is a bit smaller than the former deck. He stated that the lot is unique in that it is along the Forest Park Expressway and was reduced almost 40% in size and that the now 30-foot setback runs down the middle of the house which makes the owners hard-pressed to do anything.

Chairman Soule asked Louis Clayton if he agrees the shape of the lot is irregular.

Louis Clayton replied "yes"; noting the lot widens considerably from the front to the rear.

Chairman Soule asked if constructing a deck that meets setbacks would be impossible due to the existing placement of the home.

Louis Clayton replied "yes".

Chairman Soule asked if the deck complies with the side yard setback.

Louis Clayton replied "yes".

Chairman Soule asked if the deck would not negatively impact neighbors.

Louis Clayton stated it would not.

Chairman Soule asked if the adjacent Parkway is screened by a privacy fence.

Louis Clayton replied "yes".

Chairman Soule asked if staff agrees that granting this variance would not be a detriment to the public safety and won't impair light or air to adjacent properties or be a safety concern.

Louis Clayton agreed.

Chairman Soule noted that there are not alternatives listed. He asked if that means there aren't any alternatives available.

Louis Clayton indicated that Chairman Soule is correct; there are no possible alternatives.

Chairman Soule stated that the only alternative would be not to build a deck at all.

Louis Clayton agreed.

Mel Disney referred to the reduction in the size of the property and the resulting need for variance. He asked how high the north side of the deck will be above grade.

Mr. Volding stated that the lot slopes east to west and the north side faces the parkway; the east side is fairly flat and then it slopes.

Hearing no further questions or comments, Mel Disney made a motion to approve the requested 18-foot variance from the 18-foot rear yard setback requirement to allow the construction of a deck. The motion was seconded by Rick Bliss and unanimously approved by the members.

REQUEST FROM TYLER STEPHENS, ARCHITECT ON BEHALF OF CENTRAL
PRESBYTERIAN CHURCH FOR A 2-YEAR EXTENSION OF PREVIOUSLY GRANTED
VARIANCE APPROVALS – 7700 DAVIS DRIVE

Chairman Soule verified that the applicant was in attendance. Tim Page, the Church's Executive Administrator, was also in attendance.

Chairman Soule asked if the City had any exhibits to present.

City Attorney O'Keefe presented the City of Clayton's Code of Ordinances as an exhibit.

Chairman Soule asked the applicant if he had any objections to the exhibit being made part of the record.

Mr. Page replied "no".

Mr. Stephens thanked the Board for their consideration this evening. He stated that they initially appeared here 2 years ago, and last year they requested a one year extension which was granted and they are very grateful. He indicated that they are still in the process of securing a senior pastor; they are still sheep without a shepherd. He informed the members that Bob Hopper, the interim senior pastor, won't be able to serve full-time as his wife is battling a health issue and therefore, they are back in pursuit and have hired a consultant to help them find a new senior pastor. He added that they are still very excited about completing the project, but they need more time. He informed the members that on Monday evening, the City's Plan Commission/ARB approved an extension of the site plan and architectural approvals.

Chairman Soule solicited questions.

None were received.

Chairman Soule asked counsel what this Board's authority is with respect to the request.

City Attorney O'Keefe indicated that in his opinion, the Board has the inherent authority to allow extensions and continuing an approval ensures no changes to the variances as approved.

Chairman Soule asked if there were any staff comments.

Louis Clayton informed the members that Monday's vote by the Plan Commission/ARB was unanimous with minimal discussion, other than their approvals for an extension was contingent upon this Board's approval of an extension of the variance approvals.

Chairman Soule asked for confirmation that the Plan Commission/ARB's approval vote was for a 2-year extension.

Louis Clayton confirmed.

Rick Bliss asked why 2-years.

Louis Clayton stated that there is no minimum or limit; although 1 year is typical.

Mr. Stephens indicated that they believe 2 years is enough time to have permits secured by March, 2018.

Kevin O'Keefe informed the members that a 2-year approval (as requested) would be in sync with the Plan Commission/ARB extension approvals.

Mel Disney commended the church and wished them luck and success with their endeavors. He added that the architect did a great job.

Chairman Soule asked if Phase I is completed.

Tyler Stephens replied "yes". He stated that the parking garage is complete, the creation of the student center is complete, the two Biltmore structures have been connected and all the site and landscape work is done.

Chairman Soule asked if that includes the landscaping along Hanley Road.

Tyler Stephens replied "yes".

Chairman Soule asked if the lots have been consolidated as well.

Tyler Stephens replied "yes". He added that the new entrance to the church is completed as well as a lot of the Phase II underground work including burying the utilities; the only work that is not yet completed is the church addition, which will connect the church to the garage.

Hearing no further questions or comments and hearing none from the audience, Chairman Soule called for a motion.

Rick Bliss made a motion to approve a two-year extension of the following variance approvals: A 10.9-percent variance from the allowable maximum impervious coverage of 55-percent (or 60,803 square feet) to allow 65.9-percent (72,903 square feet) site coverage (Section 405.1890(a))

and 405.2550(a); and 182-space variance from the required 280 off-street parking spaces to allow 98 off-street parking spaces on-site (Section 405.3620). The motion was seconded by Liza Streett and unanimously approved by the Board.

Chairman Soule noted that the motion carried and the variances are granted. He stated that there is no other business for this Board this evening.

Staff notified the members that there will be no meeting in December.

Being no further business for this Board of Adjustment this evening, the meeting adjourned at 5:55 p.m.

Recording Secretary